

## EXTENSIONS OF REMARKS

## RUSSIAN CHEMICAL WEAPONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. SOLOMON. Mr. Speaker, a recent New York Times article reveals that administration officials believe that Russia is continuing to develop advanced chemical weapons, despite assurances to the contrary. I do not know why anyone would be surprised by this, Mr. Speaker. We already know that Russia is in violation of the CFE accords, as well as the Biological Weapons Convention.

Let the record also show, Mr. Speaker, that what worries the Clinton administration most is not the security threat from these weapons or the dubious light that this finding sheds on our so-called partnership with Russia. No, as the article states, what worries the Clinton team most is that this new evidence might give ammunition to those of us in Congress who might oppose the global treaty on chemical arms, to be debated in the Senate shortly.

How typical of this administration's foreign policy, Mr. Speaker. National interests, security threats, and well-grounded alliances mean nothing, but appearances mean everything.

I would hope that the Senate would take a good look at the Russian chemical program before ratification. Regardless of how the debate on this treaty unfolds however, this news underscores the importance of the Senate adopting the Kyl amendment to the Defense authorization bill, which would deny any DOD funds from being used for the purpose of helping Russia destroy weaponry to meet her treaty obligations. If either the Senate or the conferees do not adopt the Kyl amendment, they will have to explain to their constituents why they voted to give American defense dollars to a country that is spending a lot of money in violation of several treaties and agreements.

Conventional weapons, biological weapons, and now chemical weapons. How about three strikes and you're out for Russia, Mr. Speaker?

[From the New York Times, June 23, 1994]

RUSSIA HIDES EFFORT TO DEVELOP DEADLY POISON GAS, U.S. SAYS

(By Michael R. Gordon)

WASHINGTON.—Russia is concealing efforts to develop advanced chemical weapons, despite its pledge to disclose details of its poison gas program to the United States, Clinton Administration officials said today.

That assessment illustrates the problems that Washington has in dealing with the new Russia, as Moscow has pledged to cooperate with the West, but has been dragging its feet on putting some important arms control accords into effect.

It also has important ramifications for the Senate, which is considering whether to approve a global treaty banning poison gas. Suspicions about Russia's poison gas pro-

gram and Moscow's difficulties in devising an effective plan to destroy the stocks—at 40,000 tons, the largest arsenal in the world—have become an important issue in the Senate debate.

## EXCHANGE OF DATA

Administration officials said Washington's concerns arose in recent weeks when Russian and American officials carried out a long-planned exchange of data on their past efforts to develop, produce and stockpile chemical weapons.

Administration officials looked forward to receiving the information—the most comprehensive accounting of the Russian chemical weapons program—with more than usual interest: American intelligence has long concluded that the Russians have worked to develop binary chemical weapons, but Moscow has never formally acknowledged the effort. Binary weapons are an advanced munition in which two different types of chemical agents are mixed together to produce a deadly type of poison gas.

"We have long believed the Russians have been pursuing a binary weapons capability," a senior Administration official said, referring to Russian efforts to develop and test the weapons.

## ASSERTION BY RUSSIAN CHEMIST

The American concerns over Russian's chemical program were also underscored when Vil Mirzayanov, a Russian chemist, was charged by Russian authorities with revealing state secrets after he asserted Moscow had not only developed binary weapons but had produced an especially potent type.

Mr. Mirzayanov also asserted that the Russian military and civilian officials who invented the binary weapons planned to cite a technicality in the global agreement banning poison gas to keep working on them.

Mr. Mirzayanov was jailed in 1992 and 1993. Washington protested his arrest, and Russian authorities have since dismissed the case against him.

Some Administration officials are skeptical about some of the Mr. Mirzayanov's more alarming claims, but American officials believe his statements that Russia has sought to develop binary weapons are credible.

## NOT DISCLOSED INFORMATION

In any event, Administration officials who are reviewing the new Russian information say there is an important gap in the data—there is nothing in it about binary weapons.

"Our preliminary assessment is that the Russians have not disclosed information about what we believe to be a binary chemical weapons program," an Administration official said.

Some officials say the failure to provide the information could be an oversight or the result of bureaucratic confusion. But since Washington has asked Moscow to provide a full accounting of the binary program as a result of Mr. Mirzayanov's assertions, the weight of opinion among Administration experts is that Russia is well aware of American concerns and is concealing data about the program.

One official said Washington planned to go back to the Russians and insist on a clari-

fication of the matter. "We plan to seek urgent consultations," an official said.

The exchange of data, which is the focus of the dispute, was called for by a understanding on chemical weapons that the United States and Russia hammered out in 1989.

## MAY HELP CRITICS

The agreement on sharing the data is not part of the global treaty banning chemical weapons. But Administration officials are nonetheless concerned that the dispute over the gaps in the data may be used as ammunition by Congressional critics of the global treaty, some of whom have argued the accord cannot be effectively verified.

Supporters of the chemical weapons treaty argue, however, that the accord will strengthen the legal barriers against possible cheating and put pressure on the Russians to provide a more thorough accounting of their chemical weapons program.

So far the Administration's effort to build support in the Senate for the treaty have gone smoothly. John Holum, the director of the Arms Control and Disarmament Agency, said today that he hoped the Senate will approve the accord by early July.

Seven nations have already ratified the treaty. If 65 nations ratify the treaty by mid-July, the accord would legally take effect next January.

## CONGRATULATIONS TO CHARLES JOHNSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me today in honoring the achievements of a very special person, Mr. Charles Johnson, on the occasion of his retirement.

Mr. Johnson received a B.S. in biological sciences from Morgan State University where he served as president of his class, was chosen as an all conference selection in football, was also a member of a championship basketball team and a member of the Omega Psi Phi fraternity. Upon graduation, Mr. Johnson enrolled in the graduate education program at New York University.

Charles Johnson started his Newark, NJ, teaching career at Cleveland Junior High School and embarked on a lifelong commitment to helping youth. While at Cleveland, he served as a science and mathematics teacher, guidance counselor, and recreation director. In 1959, he was transferred to West Kinney Junior High School, where he served in various teaching positions and is presently the coordinator of a program for disruptive children and field supervisor for the after school youth development program for the Newark Board of Education.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Upon his retirement at the end of this school year, many Newark youth will miss his presence. Over the past decades, Mr. Johnson utilized his skills to make significant contributions to student athletes by channeling them into classrooms and assisting them in meeting the challenge of the mainstream job market.

Mr. Speaker, I know my colleagues join me in congratulating Mr. Charles Johnson on his retirement and in wishing him every success in the years ahead.

#### TRIBUTE TO ST. DANIEL PARISH IN CLARKSTON, MI

#### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. CAMP. Mr. Speaker, It is with great pleasure I rise today to congratulate St. Daniel Parish of Clarkston, MI on their 25 years of community service and development.

In 1958, in response to a growing Roman Catholic community in northern Oakland County, the Archdiocese of Detroit purchased land in Independence Township to establish St. Daniel Parish to serve the community. This parish was to serve the residents and help them better their lives through spiritual guidance.

From its humble beginnings on June 24, 1961, the parish enjoyed the unwavering support of the area residents with 70 families celebrating the first mass in the gymnasium of Clarkston Junior High School.

On January 30, 1965, a church building was constructed to house St. Daniel. Soon after, St. Daniel was granted parish status, with Father Francis A. Weingartz as its first pastor and grew to include over 1,300 families.

The parish enjoyed continual growth as it expanded its relationship with the community and touched the lives of many people. Throughout its 25-year history, the parish has displayed the commitment and caring which has made Clarkston the wonderful city it is today.

St. Daniel has been instrumental in improving the community and the lives of its residents. By sponsoring biannual blood drives, providing meeting rooms for social events, collecting toys for needy children, collecting canned goods for the hungry, and providing counseling for those in need, St. Daniel has demonstrated the leadership and guidance that strengthens communities and enhances the lives of its residents.

From the many events in which they sponsor and participate, to providing an outlet for those giving generously of their time and efforts to improve the lives of those around them, St. Daniel is an outstanding parish.

It is this spirit of selfless giving and community strength that makes Clarkston, MI a sterling example of a friendly, caring community. We can all learn how to give unselfishly by following the example St. Daniel has given us.

Mr. Speaker, I know you will join me in congratulating St. Daniel on this special day and in wishing the residents of Clarkston, MI and St. Daniel Parish success for years to come.

#### THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

#### HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. SHARP. Mr. Speaker, I am happy to co-sponsor this important legislation, which will restore to millions of electric ratepayers an important economic protection Congress conferred 59 years ago which recently was lost as a result of an unfortunate court decision. I appreciate my colleague RICK BOUCHER's leadership on this matter, and his persistence in ensuring the practical problems of this somewhat arcane issue are addressed.

In 1935, following years of speculation and abuse in the electric utility industry, Congress enacted two statutes designed to protect both utility customers and investors. The Public Utility Holding Company Act of 1935, known as PUHCA, and the Federal Power Act, were crafted to work in concert, and assigned complementary powers and responsibilities to two newly created agencies.

For five decades the Securities and Exchange Commission [SEC] and the Federal Power Agency, followed by its successor the Federal Energy Regulatory Commission [FERC], issued decisions guiding the electric industry and protecting consumers from unscrupulous or imprudent decisions on the part of utilities. Among the most important functions the agencies performed was to scrutinize transactions between affiliated entities within large registered utility holding companies. These transactions, which typically involved a subsidiary selling fuel, goods, or services to its parent, had been prime candidates for pre-1935 abuses in the form of sweetheart deals. The temptation, which persists today, is for the sale price to be set at a higher than fair-market level—so that the utility's shareholders receive a handsome payoff funded by captive ratepayers with no alternative source of electricity.

Prior to the 1992 Ohio Power court decision, the temptation for affiliates of registered holding companies to enter into such sweetheart deals was moderated by the knowledge that both the SEC and FERC would review the affiliate transaction to ensure consumer interests were not jeopardized. SEC review took place before the contract went into effect; FERC review occurred when the parent utility sought to flow through the costs of the contract to its customers. As in all electric rate cases, if FERC found the resulting cost to consumers was not "just and reasonable," it would deny recovery of some or all of the utility's rate request.

In 1992, however, the D.C. Court of Appeals decided in the Ohio Power case that FERC could not review an affiliate transaction involving a coal purchase, based on an interpretation of the agency's administrative rules. While FERC has now addressed this administrative problem, it also has interpreted somewhat ambiguous dicta in the case as requiring it to dismiss similar rate complaints.

As a result, some 49 million households in 30 States which are served by large registered holding companies do not enjoy the protection

of FERC rate review in cases where the fuel is sold between affiliates of a registered holding company. While the SEC's review role continues, this alone cannot fully protect ratepayers from a utility's actions after the initial approval of the contract. For example, while the original contract price for fuel purchased from an affiliate may be reasonable, market conditions can change and warrant a price renegotiation. While it is to be fervently hoped that no utility would take advantage of the absence of FERC review, Congress would not be doing its duty if it did not close the door to the temptations that led to the enactment of PUHCA and the Federal Power Act nearly 60 years ago.

This bill has three parts. First, it makes clear that the Federal Power Act authorizes FERC to review affiliate contracts, to ensure that rates are just and reasonable. Of course, the requirement that the SEC approve such transactions is maintained.

Second, the bill establishes a rebuttable presumption that FERC will adopt the SEC's prior finding with respect to an interaffiliate transaction. This provision expresses Congress preference for complementary agency policies, but also acknowledges the fact that the SEC and FERC's responsibilities are distinct and may result in different findings.

Third, the bill grandfathers the costs of affiliate transactions to the extent they have been recovered from ratepayers—in other words, if a utility in good faith has billed its customers for certain costs on the date of enactment, pursuant to a FERC-approved rate, FERC could not compel the utility to refund the costs.

Finally, it is particularly important to restore FERC's authority now, at a time when registered holding companies are seeking a PUHCA amendment to permit them to diversify into the telecommunications business. While my subcommittee has not yet held a hearing on the merits of that proposal, and I have not reached a conclusion about it, I would be extremely reluctant to support such a change without the protection that this bill affords.

While I do not expect all of the affected utilities to welcome this bill with open arms, I believe it should come as no surprise. This legislation merely restores the regulatory environment which existed for 57 years, and will not result in unfairness to any registered holding company. Indeed, any utility which is fulfilling its obligation to its customers has nothing to fear from the restoration of FERC's authority. I commend Mr. BOUCHER for his leadership in pursuing this important issue, and look forward to working with him to enact the legislation.

#### KENTUCKY SENATE RESOLUTION NO. 9

#### HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. BARLOW. Mr. Speaker, I rise today to submit for the record a resolution adopted by the State Senate of Kentucky. Senate Resolution No. 9 urges Congress to oppose any increase in the Federal excise tax on cigarettes or other tobacco products.



Mr. Speaker, the Commonwealth stands united behind our farmers and workers in opposition to further tobacco taxes. Proposed increases in the tax on tobacco products threaten our well-being and our way of life.

#### KENTUCKY SENATE RESOLUTION NO. 9

A Resolution opposing any increase in the federal excise tax on cigarettes or other tobacco products.

Whereas, in 1993, \$12.9 billion in excise taxes were paid by consumers of cigarettes and other tobacco products to federal, state, and local governments; and

Whereas, the tobacco industry produced a net positive contribution of \$4.1 billion to the nation's balance of trade; and

Whereas, increased taxes on tobacco would reduce tobacco production; and

Whereas, a reduction in tobacco production would have a devastating effect on Kentucky's agricultural economy and social fabric; and

Whereas, present taxes on tobacco are already excessive; and

Whereas, no single group such as smokers, no single commodity such as tobacco, or no specific states should be singled out to bear the cost of health care reform; Now, therefore, be it

*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Kentucky General Assembly opposes any increase in the federal excise tax on cigarettes and other tobacco products.

Section 2. That this Resolution be transmitted to the Governor of Kentucky, the President of the United States, and the Congressional Delegations of Kentucky and other tobacco-growing states.

#### INTRODUCTION OF THE MUNICIPAL SOLID WASTE FLOW CONTROL ACT OF 1994

#### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. RICHARDSON. Mr. Speaker, my colleague JACK FIELDS and I have introduced H.R. 4643, the Municipal Solid Waste Flow Control Act of 1994. I am pleased that Representatives JOHN BRYANT and ROD GRAMS have joined us in support of this legislation. Our bill sets a historic precedent by simultaneously addressing the needs of local governments, the business community, and the environmental community.

The flow control issue has taken on a new urgency in light of the Supreme Court's recent Carbone decision dealing with municipal solid waste flow control. Flow control is the authority by which local governments require trash to be disposed of at waste management facilities that they specify. In many cases, these facilities have been municipal waste combustors. In the 1980's, local governments concluded that they needed to direct waste to these facilities to keep them in business and satisfy the demands of the contracts they had signed for financing of the facilities.

In the late 1980's, several legal challenges were filed to flow control laws around the country as an unconstitutional interference with interstate commerce. On the basis of that argument, several courts struck down flow

control laws around the country. The issue finally reached the Supreme Court in the context of the Carbone case. The Supreme Court's ruling made clear as a national matter what these other courts had already said—flow control represents a clearly unconstitutional interference with interstate commerce.

The urgency of this situation is made real by the hundreds of local governments now seeking relief from Congress as a result of the Supreme Court decision. Without flow control authority, they argue, they cannot hope to maintain successful waste management policies without bankrupting their local customers. While it makes sense that municipalities need limited relief from the effects of the Carbone decision, unlimited flow control in the future will have a damaging effect on competition, waste reduction, recycling, and effective waste management policies.

There are many reasons against conferring unlimited flow control authority on State and local governments. For one, I believe that open competition is preferable to the monopolization of waste management disposal. With flow control, waste management decisions are often based not on best management practices or the most environmentally preferable disposal options, but on the cheapest method possible with the least financial risk for the local government.

The free market is better able to address solid waste needs than is a government monopoly. A small business owner would presumably prefer to have the benefit of competition which drives down collection rates for his trash than doing business in a marketplace where disposal costs are established by the local government.

There is evidence already that waste collection prices for small businesses will decrease in the absence of flow control. With the many pressures already facing small businesses, isn't it only fair that we give them the benefits of competition to control their waste disposal costs in the future rather than saddling them with a regime that could increase their costs?

Second, flow control is counter to the liability scheme we have developed under Superfund. This law confers on waste generators, transporters and disposers liability for their role at Superfund sites. As a result, waste generators and transporters now must take steps to avoid sending waste to sites that either are or could be on the national priorities list. It would seem to make little sense to maintain such a liability scheme while giving local governments the power to direct waste to the site of their choice, perhaps against the wishes of waste generators concerned that such a site could make them a potentially responsible party under Superfund. So long as the liability system under the Superfund places responsibility on waste generators to follow the safest disposal practices possible, flow control will render waste generators unable to fully control their liability.

Flow control can be used to mask the full cost of waste management services in a community by lumping together the separate costs for recycling, household hazardous waste collection, and other waste management-related services in addition to disposal. Waste reduction is most likely to take place when consumers receive clear signals from the marketplace

about what the actual cost is for waste collection and disposal. When, as under flow control, the prices for a number of separate waste management practices are jumbled together, consumers receive totally nuclear price signals and therefore have little understanding about the extent to which waste reduction will benefit them. Waste reduction and recycling goals are actually impeded by flow control.

Scrap recyclers, paper recyclers, and others in the recycling business feel that flow controlling recyclables might actually reduce—not increase—recycling. The best way to advance recycling is to encourage utilization of postconsumer recyclables in new products and packaging and to eliminate impediments to the movement of recyclables to locations at which there is the greatest demand for them.

Finally, perhaps my biggest concern is that the strongest proponents of flow control are companies, local governments, and others with a stake in securing financing for large municipal waste-to-energy combustion facilities. My opposition to waste combustion is widely known. In fact, Congressman ED TOWNS and I have introduced H.R. 2488, legislation which would impose a temporary moratorium on waste incinerators in this country and establish tough conditions for new construction or expansion. There is no question that with flow control there will be more waste incinerators built. Without it, there will be fewer. My colleagues who have cosponsored H.R. 2488 or who oppose excessive waste-to-energy combustion should think carefully about supporting flow control. The Sierra Club has endorsed H.R. 4643 for the same reasons.

Notwithstanding my opposition to flow control, I am sympathetic to the situation facing local governments today that have invested substantial sums of money in facilities dependent on flow control. For Congress to take no action is to leave these communities in the lurch, unsure whether their flow control laws are enforceable and therefore unsure whether billions of dollars in municipal bonds can be paid off.

Contrary to the claims of flow control proponents, there are many States today that do not have flow control authority but that do have quite sophisticated solid waste management systems. These States are as committed to waste reductions, recycling, and composting—rather than incineration and landfilling—as States that have flow control. I am uncomfortable with Congress dictating solid waste policies for State and local governments and I do not believe that Congress should micromanage the local solid waste management business.

If you want to assure that local governments are held harmless from the effects of the Supreme Court's Carbone decision and also are committed to the virtues of the competitive market in the future, this legislation deserves your support. I urge my colleagues to add their names to the growing chorus for real flow control reform by cosponsoring H.R. 4643.

## GALLAUDET: A NATIONAL TREASURE

## HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. BONIOR. Mr. Speaker, last month, President Clinton gave a stirring address for Gallaudet University's 125th commencement. As a trustee of Gallaudet, I was deeply moved by the President's words. I am honored to share a copy of his speech with my colleagues:

THE PRESIDENT: Thank you. Thank you so much for the warm reception and for the honorary degree.

I must tell you at the beginning that I have been deeply moved by the wonderful statements of your students, Jeanette and Andre. I think they have already said everything I could hope to say as well or better. And I wish only that I could say it to you in their language as well. (Applause.)

I'm delighted to be here with Dr. Jordan, whom I have admired so much; and Dr. Anderson, a native of my home state; with my great friend and your champion, Senator Tom Harkin—(applause); with many Members of Congress, including Major Owens, who will receive an honorary degree; Congressman David Bonior; Congressman Steve Gunderson; and your own representative in Congress, Eleanor Holmes Norton. (Applause.)

I honor, too, here the presence of those in the disability rights community, the members of our own administration, but most of all, you the class of 1994, your families and your friends. You have come to this extraordinary moment in your own life at a very special moment in the life of your country and what it stands for.

Everywhere, nations and peoples are struggling to move toward the freedom and democracy that we take for granted here. Our example is now over 200 years old, but it continues to be a powerful magnet, pulling people toward those noble goals. This week we all watched and wondered as a former prisoner stood shoulder to shoulder with his former guards to become a president of a free and democratic South Africa. (Applause.)

Yet, each day across the—from Bosnia to Rwanda and Burundi, and here in America in neighborhood after neighborhood, we wonder whether peace and progress will win out over the divisions of race and ethnicity, of region and religion, over the impulse of violence to conquer virtue. Each day we are barraged in the news as mutual respect and the bonds of civility are broken down a little more here at home and around the world.

It is not difficult to find in literature today many who suggest that there are large numbers of your generation who feel a sense of pessimism about the future. People in my generation worry about that. They worry whether young people will continue to try to change what is wrong, continue to take responsibility for the hard work of renewing the American community.

I wish everyone who is worried about America could see your faces today and could have heard your class speakers today. Our whole history and our own experience in this lifetime contradict the impulse to pessimism. For those who believe that nothing can change I say, look at the experience of Rabin and Arafat as the police representing the Palestinians begin to move into Gaza and to Jericho. (Applause.)

For those who proclaim there is no future for racial harmony and no hope in our common humanity, I say look at the experience of Mandela and de Klerk. For those who believe that in the end people are so vulnerable to their own weakness they will not have the courage to preserve democracy and freedom, I say look to the south of our borders where today of almost three dozen nations in Latin America, all but two, are ruled by democratically-elected leaders. (Applause.)

Here at home, with all of our terrible problems, for every act of craven violence, there are 100 more acts of kindness and courage. To be sure, the work of building opportunity and community of maintaining freedom and renewing America's hope in each and every generation is hard. And it requires of each generation a real commitment to our values, to our institutions and to our common destiny.

The students of Gallaudet University who have struggled so mightily, first for simple dignity and then for equal opportunity—you have built yourselves and in the process, you have built for the rest of us, your fellow citizens of this country and the world, a much better world. You have re-given to all of us our hope. Gallaudet is a national treasure.

It is fitting, as Dr. Anderson said, that President Lincoln granted your charter because he understood better than others the sacrifices required to preserve a democracy under diversity. And ultimately, Lincoln gave his life to the cause of renewing our national rights. He signed your first charter in the midst of the Civil War where he had the vision to see not just farmland and a tiny school, but the fact that we could use education to tear down the walls between us, to touch and improve lives and lift the spirits of those who for too long had been kept down.

Over the years, pioneers have built Gallaudet—sustained by generations of students and faculty, committed to the richness and possibility of the deaf community, and the fullness of the American Dream. This school stands for the renewal that all America needs today.

Lincoln's charter was an important law. But let me refer to another great president to make an equally important point—that just as important as laws are the attitudes that animate our approach to one another. The president that I'm referring to is approach to one another. The president that I'm referring to is your president, King Jordan. (Applause.) When the Americans with Disabilities Act passed, he said—and I quote—we now stand at the threshold of a new era for all Americans—those of us with disabilities and those of us without. He went on to say that in this pursuit, as in every pursuit of democracy, our task is to reach out and to educate each other about our possibilities, our capabilities and who we are.

I ran for President because I thought we were standing on the threshold of a new era, just as President Jordan says. I felt we were in danger of coming apart when we ought to be coming together; of arguing too much about going left or right, when we ought to be holding hands and going forward into the future together.

I grew weary of hearing people predict that my own daughter's generation would be the first generation of Americans to do less well than their parents. I was tired of hearing people say that our country's best days were behind us. I didn't believe it in 1992, and I sure don't believe it after being here with you today.

My responsibilities to you and your generation are significant. That's why all of us

have worked hard to restore the economy, to reward work, to bring down the deficit, to increase our trade with other nations, to create more jobs; why we've worked to empower all Americans to compete and win in a global economy through early education and lifetime training and learning, through reforming the college loan program, to open the doors of college to all Americans; why we have worked to strengthen the family through the Family and Medical Leave Act; why we have worked to create a safer America with the Brady Bill, and the ban on assault weapons, and putting more police on the street, and punishing and preventing more crime as well. (Applause.)

But I say to you that, in the end, America is a country that has always been carried by its citizens, not its government. The government is a partner, but the people, the people realize the possibility of this country and ensure its continuation from generation to generation.

I think there is no better symbol of this than the program which I hope will be the enduring legacy of our efforts to rebuild the American community, the National Service Program. Six Gallaudet students, including four members of this class, will be part of our National Service Program, Americorps' very first class of 20,000 volunteers. I am very proud of you for giving something back to your country. (Applause.)

By joining the Conversation Corps and committing yourselves to rebuild our nation, by exercising your freedom and your responsibility to give something back to your country and earning something for education in return, you have embodied the renewal that America must seek. As King Jordan reminded us, government can make good laws, and we need them. But it can't make good people. In the end, it's our values and our attitudes that make the difference. Having those values and attitudes and living by them is everyone's responsibility and our great opportunity.

Look at the changes which have occurred through that kind of effort. Because previous generations refused to be denied a place at the table simply because others thought they were different, the world is now open to those of you who graduate today. Most of you came here knowing you could be doctors, entrepreneurs, software engineers, lawyers or cheerleaders. (Laughter.)

Because over the years, others spoke up for you and gave you a chance to move up. And you have clearly done your part. You have made a difference. You have believed in broadening the unique world you share with each other by joining it to the community at large and letting the rest of us in on your richness, your hearts, your minds and your possibilities. For that, we are all in your debt.

Perhaps the greatest moment in the history of this university occurred in 1988 when the community came together and said, we will no longer accept the judgment of others about our lives and leadership in this university—these are our responsibilities and we accept the challenge. In days, what was known as the "Deaf President Now" movement changed the way our entire country looks at deaf people. The nation watched as you organized and built a movement of conscience unlike any other. You removed barriers of limited expectations. And our nation saw that deaf people can do anything hearing people can, but hear. (Applause.)

That people's movement was a part of the American disability rights movement. Just two months after King Jordan took office,



the Americans with Disabilities Act was introduced with the leadership of many, including my friend, Tom Harkin. In two years it became law, and proved once again that the right cause can unite us. Over partisanship and prejudice we can still come together.

For the now more than 49 million Americans who are deaf or disabled, the signing of the ADA was the most important legal event in history. For almost a billion persons with disabilities around the world it stands as a symbol of simple justice and inalienable human rights.

I believe that being deaf or having any disability is not tragic, but the stereotypes attached to it are tragic. Discrimination is tragic. (Applause.) Not getting a job or having the chance to reach your God given potential because someone else is handicapped by prejudice or fear is tragic. It must not be tolerated because none of us can afford it. We need each other, and we do not have a person to waste. (Applause.)

The ADA is part of the seamless web of civil rights that so many have worked for so long to build in America—a constant fabric wrapped in the hopes and aspirations of all right-thinking Americans. As your President I pledge to see that it is fully implemented and aggressively enforced—in schools, in the work place, in government, in public places. It is time to move from exclusion to inclusion, from dependence to independence, from paternalism to empowerment. (Applause.)

I mention briefly now only two of the many tasks still before me as your President, and you as citizens. Our health care system today denies or discriminates in coverage against 81 million Americans who are part of families with what we call preexisting conditions, including Americans with disabilities. It must be changed. (Applause.) If we want to open up the workplace, and if we are serious about giving every American the chance to live up to his or her potential, then we cannot discriminate against which workers get health care and how much it costs. If you can do the job, you ought to be able to get covered. It's as simple as that. (Applause.)

And that simple message is one I implore you to communicate to the Congress. We have fooled around for 60 years. Your time has come. You are ready. You are leaving this university. You want a full, good life and you do not wish to be discriminated against on health care grounds. Pass health care reform in 1994. (Applause.)

The last thing I wish to say that faces us today also affects your future. The Vice President has worked very hard on what is called the information superhighway. We know that America is working hard to be the technological leader of the information age. The technologies in which we are now investing will open up vast new opportunities to all of our people. But information, which will be education, which will be employment, which will be income, which will be possibility, most flow to all Americans on terms of equal accessibility without regard to physical condition. And we are committed to doing that. (Applause.)

Finally, let me just say today a personal word. A few days ago when we celebrated Mother's Day; it was my first Mother's Day without my mother. And so I have been thinking about what I should say to all of you, those of you who are lucky enough still to have your parents and perhaps, some of you who do not.

On graduations, it is important for us to remember that none of us ever achieves any-

thing alone. I dare say as difficult as your lives have been, you are here today not only because of your own courage and your own effort, but because someone loved you and believed in you and helped you along the way. I hope today that you will thank them and love them and, in so doing, remember that all across this country, perhaps our biggest problem is that there are too many children, most of who can hear just fine, who never hear the kind of love and support that every person needs to do well. And we must commit ourselves to giving that to those children. (Applause.)

So I say, there may be those who are pessimistic about our future. And all of us should be realistic about our challenges. I used to say that I still believed in a place called Hope, the little town in which I was born. Today I say, I know the future of this country will be in good hands because of a place called Gallaudet. (Applause.)

For 125 years, young people have believed in themselves, their families, their country and their future with the courage to dream and the willingness to work to realize those dreams. You have inspired your President today and a generation. And I say to you, good luck and Godspeed. (Applause.)

#### ST. STEPHEN: 125 YEARS OF EXCELLENCE IN EDUCATION

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to honor the staff, student body and alumni of St. Stephen School. For 125 years, St. Stephen School has been an integral part of the education of the youth in my district. Established in 1868, it has served over six generations of students with a quality that is unequalled. Of 3,000 graduates, 98 percent have graduated from high school. The concept of individual attention, coupled with providing an atmosphere in which one can teach, learn and be happy in school, is their simple key to success. St. Stephen School has already accomplished and surpassed President Clinton's educational goals for the year 2000.

Mr. Speaker, St. Stephen School is the oldest Catholic school in Mahoning, Trumbull, Columbiana, and Astabula Counties. It is a model for all schools, and I am extremely proud to recognize their excellence on this anniversary year. May their current staff, led by Principal Judy Conti, alumni, and student body be blessed with continued success in the constant pursuit to educate our young.

#### EXPEDITED RESCISSIONS: C-Y-A FOR A-Z

#### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. SOLOMON. Mr. Speaker, next week the House is scheduled to take up H.R. 4600, the Expedited Rescissions Act, reported from the Rules Committee yesterday on a 5-3 party-line vote.

The bill is identical to a bill passed by the House last year. Why then are we doing it again? Our chairman tells us it is to impress the Senate with the importance we attach to it and the need for action. However, it is no secret that this is part of a deal the Democratic leadership cut with some Democrats to keep them off the A-Z discharge petition.

At this point in the RECORD, Mr. Speaker, I include my opening statement from yesterday's markup, our minority views, a summary of the reported bill, and a summary of the substitute we offered embodying the text of Republican leader MICHEL's true legislative line-item veto bill. The materials follow:

OPENING STATEMENT ON EXPEDITED RESCISSION MARKUP, COMMITTEE ON RULES, HON. GERALD B. SOLOMON OF NEW YORK, THURSDAY, JUNE 23, 1994

Mr. Chairman, I have searched the draft committee report on this expedited rescissions bill in vain for a rational explanation as to why we are reporting a bill identical to one we passed last year that is now pending in two Senate committees.

Instead of a rational explanation, all I could find were these words, and I quote: "Senate inaction on these bills [referring to entitlement reform and expedited rescissions] has prompted the House to reconsider these measures . . . The House hopes to impress upon the Senate the importance of its own support for and action on these budget process reforms."

Mr. Chairman, it seems to me if the House really wants to impress upon the Senate the importance of its support for and action on this bill, it would be much cheaper and more compelling if the Speaker sent a strongly worded letter to the Senate majority leader urging prompt action on the first bill we passed.

I don't think the Senate will be any more impressed by House passage of a bill identical to one already referred to it since, as far as I know, they don't operate under rule requiring action when they reach a certain saturation point with identical House bills.

Mr. Chairman, I think we all know the real reason we are here and that is that this is part of a publicly announced deal between your leadership and a few "deficit chicken hawks" to keep them off the A to Z discharge petition.

Instead of A to Z, they have been bought-off by what I would call C-Y-A that says, "Let the House consider a number of budget process reforms instead of being forced to consider real spending cuts under an open amendment process." They think that somehow these budget process reforms will give them enough political cover to hide behind. But I think we can all see through that transparent fig leaf: it offers no real cover.

Mr. Chairman, instead of wasting our time and that of the House in recycling this warmed over piece of bad sausage—and this is a tainted bill—we should be considering the congressional reform bill that has been languishing in this Committee since last February 3rd.

And, if you really want to get the attention of the Senate and the American people, we should be reporting a real legislative line item veto like the Michel bill which would ultimately require two-thirds of both Houses to block a presidential rescission or veto of a targeted tax provision. This bill instead permits just a simple majority of either House to block a rescission.

That's not the kind of line-item veto Candidate Clinton had in mind when he promised

during the campaign he would seek line-item veto authority from Congress. I regret that he has flip-flopped on that campaign pledge, as he has on so many others. But at least you are helping to remind the American people of that flip-flop by bringing-up again this non-line-item veto bill. At least for that we can thank you.

MINORITY VIEWS OF HON. GERALD B. SOLOMON, HON. DAVID DREIER, HON. JAMES H. QUILLLEN, AND HON. PORTER GOSS ON H.R. 4600

Reasonable people might wonder why the Rules Committee would take its time, and that of the House, to consider a bill that is identical to one already passed by the House in this same Congress while not finding time to consider a major congressional reform bill that has been languishing in the Rules Committee since last February 3rd (H.R. 3801, the "Legislative Reorganization Act of 1994").

The apparent answer is that we are never too busy to recycle meaningless budget process reforms in an election year to give certain Members political cover for not making real spending cuts. But we are always too busy to get around to making meaningful changes in the institution of the Congress. In short, this bill is part of a political deal the majority leadership has cut with a small coterie of "deficit chicken hawks" to substitute C-Y-A for A-Z (the Andrews-Zeliff spending cut plan and discharge petition).

While this may seem less than a small price to pay for keeping a comprehensive spending-cut process off the floor, what mystifies us is the willingness of the Democrat Leadership to embarrass its own President by reminding everyone of his flip-flop on the issue of the line item veto.

Candidate Clinton, in his campaign book, "Putting People First," pledged that, "To eliminate pork-barrel projects and cut government waste, we will ask Congress to give the line item veto" (p. 25). But, shortly after becoming President, Mr. Clinton caved-in on that campaign promise in favor of this weak alternative known as the "Expedited Rescission Act."

Unlike a real line-item veto whereby a President can cancel wasteful spending items, subject to override by two-thirds of both Houses of Congress, this bill requires that a majority of both Houses must approve any veto of appropriations items. Put another way, instead of two-thirds of both Houses being necessary to reverse an item veto, under H.R. 4600, a majority of either House can block such a veto.

We do credit the sponsors of the "Expedited Rescission Act" for truth-in-labeling. They do not claim this is a true line-item veto bill and have admitted in the past that they oppose the line-item veto because they think it gives the President too much power.

Just as they have been consistent in opposing the true line item veto under both Republican and Democratic Presidents, we have consistently supported the true line item veto under Presidents of both parties. During the markup of this bill, for instance, we offered a substitute consisting of the text of H.R. 493, "The Enhanced Rescissions/Receipts Act of 1993," introduced by Representative Michel on January 20, 1993, and have even filed a discharge petition on it (Discharge Motion #1).

Under the Michel bill, any presidential rescission of budget authority or veto of a targeted tax benefit (defined as one which gives differential treatment to either a particular taxpayer or limited class of taxpayers) would take effect unless a majority of both Houses

of Congress pass a disapproval bill within 20 days of session. The President would then have 10 calendar days to sign or veto the disapproval bill, and Congress would have an additional five days of session to override a veto.

In short, this is a true legislative line-item veto in that ultimately a two-thirds vote of both Houses would be necessary to override a likely presidential veto of any bill disapproving his rescissions or special tax benefit veto.

Moreover, the Michel bill gives the President this new, enhanced rescission and special tax veto authority on a permanent basis, whereas H.R. 4600 gives the President expedited rescission authority only with respect to appropriations bills enacted during the 103rd Congress. Given the fact that the 103rd Congress is rapidly drawing to a close, and that the previously-passed identical House bill (H.R. 1578) has yet to be reported from either of the two Senate committees to which it was referred, the chances are nil to none that the authority will ever take effect during the limited period to which it applies.

While the proponents of the expedited rescission approach boast that it will force the Congress to act on these special presidential rescission messages or the money cannot be spent, the House Parliamentarian's Office issued a contrary interpretation when the identical bill was pending last year (see attached Memoranda of April 19 and 21, 1993, from Jerry Solomon to House Members).

First, the bill, by reference to section 904 of the Budget Act, makes clear that it is enacted as part of the rulemaking authority of Congress "with full recognition of the right of either House to change such rules . . . at any time." This means that a majority of the House, by a special rule from the Rules Committee, could change any of the rules contained in the bill and thereby avoid the so-called action-forcing mechanisms to either table consideration of the President's bill or vote first (rather than second) on a substitute bill reported by the Appropriations Committee.

Second, in the view of the Parliamentarian, if the House did not act within the required 10-legislative days, and a special rule could block such action, the money would be released. So there are no penalties or disincentives for inaction.

In summary, H.R. 4600 suffers from the same deficiencies as the current rescission process. While it may expedite the consideration of rescissions, it is still prone to either blockage or substitution by alternative rescissions, thereby thwarting the President's recommendations either way.

Instead of addressing these obvious flaws, or confronting the need for a real line-item veto, the Rules Committee has chosen instead to report the same old toothless tiger that was passed last session. This may be a sufficient sop to keep some Members from signing the A-Z spending cut discharge petition, but it does nothing to put in place a meaningful spending cut process which spawned the need for such a discharge petition in the first place. The American people will not be fooled by such hollow gimmicks. The proof is in the pudding. And this recipe for instant, expedited rescission pudding is lacking in all the ingredients except one—it just adds water to water.

[Memorandum]

April 19, 1993.

To: House Republican Members  
From: Jerry Solomon, Rules Committee Ranking Member  
Subject: The Truth about H.R. 1578, the expedited Rescission Bill

Introduction: We have received several inquiries from Members and staff as to whether the process established by H.R. 1578, the "Expedited Rescissions Act of 1993," could easily be waived, suspended, altered or otherwise circumvented without changing the law. The purpose of this memo is to address those questions. The short answer is, "yes."

Provisions: H.R. 1578 (as proposed to be amended by the modified Spratt substitute printed in the Rules Committee's report on the rule) amends Title X of the Congressional Budget and Impoundment Control Act by inserting a new section providing for "expedited consideration of certain proposed rescissions." It permits the President, within 3-days after the enactment of any appropriations bill during the 103rd Congress, to submit to the House a rescission message canceling budget authority in whole or in part for any items contained in the bill, together with a draft bill that would rescind the budget authority upon enactment.

The House majority or minority leaders would be required to introduce the rescission bill "by request" within two legislative days of the receipt of the message, and, if they do not, any other Member may do so on the third legislative day.

The rescission bill would be referred to the House Appropriations Committee which would be required to report it without change within seven legislative days after receipt of the message. If it does not report, it is automatically discharged of the bill which is then placed on the appropriate calendar of the House.

The Appropriations Committee may simultaneously report an alternative rescission bill with respect to the same message and appropriations bill, provided it contains the same or a greater amount of rescissions as the President's proposal.

A motion to proceed to the consideration of a proposed rescission bill is highly privileged and not subject to debate. If adopted, the House proceeds to consider the bill subject to four hours of general debate divided between proponents and opponents. The bill is not subject to amendment in the House.

The House must vote final passage of the rescission bill not later than the tenth legislative day after receipt of the message. If the bill is defeated, the alternative rescission bill, if one is reported by the Appropriations Committee, is subject to the same procedures and must be voted on by the eleventh legislative day, provided the Appropriations Committee calls it up.

In the Senate, a bill received from the House shall be referred to the Appropriations Committee which must report it by the seventh legislative day after its receipt or it is automatically discharged. The Senate Committee may report an amendment in the nature of a substitute to the bill if it goes to the same appropriations bill and is of the same or greater amount in rescissions, or if it contains the text of the President's bill.

[MEMO]

APRIL 21, 1993.

Re the effect of non-action on rescissions under H.R. 1578.

To: House Members.  
From: Jerry Solomon.

Introduction: The question has been raised as to whether the failure of Congress to act



on a proposed rescission under the new process established by H.R. 1578 would prevent the money from being released. Notwithstanding an interpretation to the contrary in an April 21st memo from Charlie Stenholm's LA claiming the funds would continue to be impounded, *our reading from the Parliamentarian's Office is that at the funds would be released if the House has not acted within 10 legislative days.*

Discussion: At first blush, it would seem there would be no way to avoid a vote on a presidential rescission package since:

The majority or minority leader shall introduce the President's bill by request within two legislative days of its receipt, or, if they don't, any other Member may;

The Appropriations Committee shall report the bill within seven legislative days or it is automatically discharged;

A motion to proceed to consideration is highly privileged (and may be offered by any Member);

There are no amendments and debate time is limited to four hours; and

The House must vote on final passage before the close of the tenth legislative day.

However, as was pointed out in our April 19th memo on the "Truth About H.R. 1578," the House may set aside all these requirements by the adoption of a special rule.

What may be confusing is the provision in section 1013(e) of the Budget Act as amended by the bill that "Any amount of budget authority proposed to be rescinded . . . shall be made available for obligation on the earlier of" House rejection of the President's bill and an Appropriations Committee alternative, if any, or the Senate rejection of the President's bill.

However, this provision does not say that the budget authority proposed to be rescinded shall only be made available for obligation if the House rejects both bills or the Senate rejects the President's. It simply allows for the earlier release of funds than the 10-day House time frame for consideration or the additional 10-day time frame for Senate consideration.

In discussing this with the Parliamentarian's Office, they agree that if the House doesn't act on anything within the 10-day period, the money shall be made available for obligation.

The bill and any amendments are subject to not more than ten hours of debate divided equally between the majority and minority leaders. The Senate must vote on final passage not later than the tenth legislative day after the bill has been received from the House. It is not in order in the Senate to consider an alternative rescission bill or amendment unless it first rejects a substitute containing the President's proposal.

Subsection 1013(e), "Amendments and Divisions Generally Prohibited," prohibits any motion or unanimous consent request to suspend the application of the subsection (which prohibits amendments in the House, narrowly limits and prescribes the amendment process in the Senate, and prohibits a division of the question in either House). However, this provision does not preclude consideration of a special rule changing the amendment process as the discussion below will demonstrate.

The Procedural Escape Hatch: Section 2(b) of the bill makes this new section 1013 rescission process under the Budget Act subject to the provisions of Section 904 of the Budget Act. That section indicates that the specified sections of the Act are enacted as an exercise of the rule-making power of the House and Senate, "with full recognition of the con-

stitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House."

The above paragraph makes it quite clear that any of the procedural requirements for either House in section 1013 may be changed by the adoption of a simple resolution of either House, so long as they only change the procedures that apply to that House alone.

In the House of Representatives, this would take the form of a special rule from the Rules Committee. That special rule could alter any of the procedures contained in section 1013 including (but not limited to) any of the following deviations:

Permitting amendments to be offered to a rescission bill;

Providing for the consideration of the alternative rescission bill reported from the Appropriations Committee before the President's rescission bill is considered and voted on;

Preventing the automatic discharge of a bill not reported from the Appropriations Committee within seven days, thereby blocking its consideration; or

Suspending the application of all of the procedures with respect to any individual presidential rescission message, or for all such messages for the entire Congress.

Conclusion: The so-called expedited and mandatory consideration and voting procedures contained in H.R. 1578 can easily be waived, suspended, circumvented, ignored or otherwise violated so long as either House passes a simple resolution to do so. And this is exactly how the House majority leadership and Rules Committee in the 102nd Congress used the "rule-making authority" of the House under the existing rescission process to avoid separate votes on President Bush's rescissions and provided instead for the consideration of an alternative rescission package reported by the Appropriations Committee. In short, this bill has less teeth than a commemorative bill since at least the latter cannot be altered by a special rule of the House.

#### SUMMARY OF H.R. 4600, EXPEDITED RESCISSIONS ACT

H.R. 4600 is identical to H.R. 1578 as passed by the House last session. That bill is still pending in the Senate Budget and Government Affairs Committees. The bill as introduced amends the Budget Act to provide that:

In addition to the existing rescission process, the President may submit special rescission messages within 3 calendar days of the enactment of any appropriations bill during the remainder of the 103rd Congress;

Within two legislative days after the receipt of the message by Congress, the majority or minority leader of the House must introduce, by request, the draft rescission approval bill submitted with the President's message, and if the bill is not introduced, any Member may introduce the bill on the following day;

The bill would be referred to the Appropriations Committee in the House which shall report it without substantive revision, and with or without recommendation, within seven legislative days after receipt of the message, and, if not reported, the committee is automatically discharged and the bill shall be placed on the appropriate calendar;

The House Appropriations Committee may also report an alternative rescission bill within the same seven day period with respect to the same appropriations measure,

containing rescissions of the same or greater amount than the President's bill. The alternative bill would be privileged for consideration in the House only if the President's bill is rejected by the House;

A motion to proceed to the consideration of either rescission bill in the House is highly privileged, the bill is debatable for four hours divided between proponents and opponents, no amendments are in order, a motion to recommit is not in order, nor is a motion to reconsider the final passage vote;

The House must vote on final passage of the President's bill no later than 10 legislative days after receipt of the message, and, if rejected, the alternative bill must be voted on no later than the 11th legislative day;

In the Senate, the bill shall be referred to the Committee on Appropriations which shall report it within seven legislative days of its receipt, without substantive change, or with an amendment in the nature of a substitute consisting of equal or greater rescissions in the same appropriations act; and if the bill is not reported, it shall be discharged and placed on the appropriate calendar;

The bill is debatable in the Senate for not more than 10-hours divided equally between the majority and minority leaders, and no amendment are in order except an amendment in the nature of a substitute reported by the Appropriations Committee or an amendment in the nature of a substitute consisting of the text of the President's bill, and the latter shall have priority over a vote on any alternative;

A vote on final passage in the Senate must take place no later than 10 legislative days after the bill has been transmitted to the Senate;

The funds shall be available for expenditure on the day after either House defeats the rescission approval bill;

Any Member of Congress may file suit challenging the constitutionality of the Act, and such suit shall be considered under expedited judicial review procedures.

#### SUMMARY OF MICHEL-SOLOMON AMENDMENT TO H.R. 4600

(Text of H.R. 493, the Enhanced Rescissions/Receipts Act of 1994)

The President may submit to Congress a special message for each appropriation bill or revenue bill within 20-days of their enactment, proposing to rescind all or part of any budget authority or veto any targeted tax benefit (defined as a benefit for the differential treatment to a particular taxpayer or limited class of taxpayers).

The budget authority shall be rescinded for the tax benefit vetoed unless a bill of disapproval is passed by Congress within 20 days of session and enacted into law. The President would have the constitutional 10 days to sign or veto a disapproval bill and Congress would have 5 days of session to override a veto.

If the last session of Congress adjourns sine die before the expiration of the 20 day period, the rescission of tax veto will not take effect but will be considered to be automatically retransmitted on the first day of the next Congress.

Each rescission or tax veto message shall be referred to the appropriate committees of the House and Senate.

Any disapproval bill introduced shall be referred to the appropriate committees of the House and Senate.

Disapproval bills in the Senate would be limited to not more than 10 hours of debate equally divided between the majority and minority leaders.

It would not be in order in either House to consider a disapproval bill that relates to any matter other than the President's message; nor shall it be in order in either House to consider an amendment to a disapproval bill; and these requirements may not be waived or suspended in the Senate except by a vote of three-fifths of the duly sworn Members of that body.

# INTRODUCTION OF A BILL TO RESTORE FEDERAL ENERGY REGULATORY COMMISSION JURISDICTION

**HON. RICK BOUCHER**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. BOUCHER. Mr. Speaker, today I am pleased to be joined by Mr. DINGELL, Mr. SHARP, and Mr. MARKEY in introducing legislation that will restore a measure of protection for utility ratepayers served by the operating subsidiaries of multistate public utility holding companies known as registered holding companies.

The 1992 Federal appeals court ruling in Ohio Power Co. versus FERC removed the authority of the Federal Energy Regulatory Commission [FERC] to review the costs of goods and services that are supplied as part of a registered holding company interaffiliate contract. The court held that the Securities and Exchange Commission [SEC] has sole authority to regulate such transactions.

The SEC does not have the expertise or the resources to protect consumers from potential abuses of the interaffiliate relationship. Therefore, the effect of this ruling is to allow the affiliates of a registered holding company to purchase goods and services from each other with little review of whether the costs associated with these transactions are reasonable, prudent, or comparable to the cost of similar goods and services from unaffiliated suppliers.

Prior to the Ohio Power decision, the FERC had authority to review, and did review, the costs of goods and services, including fuel, supplied as part of a registered holding company interaffiliate transaction. The decision placed these costs, which make up a significant portion of the electric rates ultimately charged to the consumers of some companies, outside of FERC's purview. As a result, affiliates of registered holding companies are now in a position to overcapitalize and goldplate functions that are performed for their sister companies and thereby enjoy an increased and uncontested rate of return as these costs are passed on to ratepayers. This regime represents a major assault on FERC's ratemaking responsibilities and a threat to all customers of these companies. It must be corrected.

The legislation that I am introducing today makes the necessary correction by restoring the essential regulatory tools necessary to protect adequately utility consumers. My bill effectively reverses the Ohio Power decision. Section 318 of the Federal Power Act is amended to provide FERC with jurisdiction to disallow recovery in rates of any costs incurred through an interaffiliate transaction that

it determines are not just and reasonable and are unduly discriminatory or preferential. The SEC retains its jurisdiction pursuant to the Public Utility Holding Company Act to review and approve interaffiliate transactions prior to consummation. The bill provides that there will be a rebuttable presumption in FERC rate cases that these costs, once approved by the SEC, are just, reasonable and not unduly discriminatory or preferential. Moreover, so as not to apply this legislation retroactively, the authority conferred on FERC will not apply to any cost incurred and recovered prior to the date of enactment.

At the hearing convened to examine the policy issues presented by the Ohio Power decision, one registered holding company testified that the reversal of the decision would result in disparate treatment of the registered companies, whose interaffiliate fuel contracts would then be reviewed by the SEC at a cost standard as well as by the FERC at a market comparability standard, and the nonregistered companies who would be subject only to FERC review. Under this scenario, the registered companies could recover only the lower of cost or market price, whereas the nonregistered companies could recover market price, regardless of whether it was above or below their cost. In its testimony, the SEC indicated that it will issue a proposed rule designed to harmonize the SEA standard with that used by FERC. Given this testimony, I do not believe it is necessary to address the appropriate standard of review in legislation, and I look forward to an administrative resolution of this matter.

It is, however, critical that we address the regulatory gap created by the Ohio Power decision. I urge my colleagues to join me in supporting this measure.

## THE NATION CELEBRATES 50 YEARS OF THE GI BILL

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. EDWARDS of Texas. Mr. Speaker, with the stroke of his pen on June 22, 1944, President Roosevelt transformed the face and future of American society, giving us a prudent and profitable domestic program, originally called the Servicemen's Readjustment Act of 1944—currently referred to as the GI bill of rights. Yesterday several Members of the House and Senate joined President Bill Clinton and Secretary of Veterans' Affairs Jesse Brown in celebrating the 50th anniversary of the GI bill of rights with a ceremony at the Department of Veterans Affairs.

The distinguished chairman of our Committee on Veterans' Affairs, the Honorable G.V. (SONNY) MONTGOMERY, joined President Clinton and Secretary Brown on the platform. The President and Secretary Brown were warm in their praise of the chairman's leadership and his lifetime of dedication to the cause of our Nation's veterans. In 1984, Chairman MONTGOMERY led the effort to enact the current Montgomery GI bill.

They gathered to commemorate the GI bill, which was created to ease the transition of

World War II veterans into civilian life. Housing, education, employment, and corporate America are all areas of our society that have directly benefited from the assistance provided under this landmark legislation.

After our Armed Forces returned from World War II, the hopes and expectations of young Americans of modest economic means were no longer restricted because the key to advancement—higher education—was available to them through the GI bill.

Higher education and home ownership, which were privileges of the fortunate few, were no longer beyond reach. They became part of the American dream available to all citizens who served their country through military service.

Today's Montgomery GI bill, which is available to active-duty military personnel and members of the Selected Reserve, continues the tradition established in 1944 and is currently enabling hundreds of thousands of young veterans to further their education. Since 1944, 20 million veterans, including Vice President AL GORE, have earned and used benefits under the GI bill.

Today's GI bill serves as a tremendous incentive for bright young men and women to join our Armed Forces. Their desire for higher education and an improved quality of life has resulted in the strongest and brightest military in U.S. history.

Yesterday was a very important date in our history—the 50th anniversary of the signing of the GI bill of rights. I would like to share with my colleagues the following statements made by the Honorable Jesse Brown, Secretary of Veterans' Affairs; Mr. Garnett Shropshire, a veteran of World War II who used the GI bill following his service; and President Bill Clinton.

**HON. JESSE BROWN, SECRETARY OF VETERANS AFFAIRS**

President Clinton, my colleagues from the veteran community, distinguished guests, my fellow VA employees, ladies and gentlemen, good afternoon.

This is truly a month of celebrations for those who put veterans first.

A few weeks ago, I joined our Commander in Chief, President Clinton, in Europe. We commemorated the fiftieth anniversary of D-day.

Never have I been in a place where the debt America and the world owe our veterans was more clear; 50 years after D-day, I stood at Pointe du Hoc.

I looked out at the sea, which carried so many young men to an uncertain destiny. I looked to Omaha Beach, where every foot of sand was paid for with the blood of our veterans. I looked at the cliffs, where the American Rangers achieved the impossible.

And I heard our President speak so movingly of "the thousands of people who gave everything they were or might become." I heard him tell the veterans of World War II that "We are the sons and daughters you saved from tyranny's reach. We are the children of your sacrifice."

His words on that day and in that place made it clear that these men and women changed the course of history. And for that, we are most thankful.

Today, we mark another anniversary of importance to veterans and the nation. It is the fiftieth anniversary of one of the greatest programs ever passed by Congress—the GI Bill of Rights.



And it is a special pleasure for me to be here for this event with several gentlemen who are strong supporters of the VA's mission: Senator George Mitchell, Senator Pat Moynihan, Senator Strom Thurmond, Senator Frank Murkowski and Congressman Sonny Montgomery. The current version of the GI Bill is called the Montgomery GI Bill in his honor. I would like to ask these gentlemen to stand and be recognized—and any other Members of Congress who are here with us today.

The impact of the GI Bill cannot be overstated. It helped veterans make the transition from military to civilian life; it changed the course of higher education in America; and it stimulated economic growth and development in the United States.

Since the passage of the original bill: More than 20 million veterans have received education or training, and over 14 million home loans, valued at more than 400 billion dollars, have been issued.

Clearly, the GI Bill has been good for the nation. The billions of dollars spent to educate veterans have been recovered many times over.

The home loan feature of the bill has pumped billions of dollars into the Nation's economy. The GI Bill shows us what happens when we invest in the American people. It shows us what happens when we invest in veterans. It shows us the importance of VA's mission.

The Administration, the Congress, VA employees and Veterans Service Organizations are and will continue to work hard to make sure that our veterans receive their benefits. This is as it should be—for our veterans have earned those benefits.

We in the VA understand that our nation is built upon the contributions and sacrifices of our veterans. And therefore, we consider it an honor to work on their behalf.

We must be certain: That our veterans continue to receive the benefits that they are entitled to; that they enjoy the fruits of their sacrifices; and that they never suffer because of their service.

That was the purpose of the GI Bill. That is our purpose at VA. We are proud to be a part of the process that helps those who have secured and protected our liberty. Thank you all—and keep up the good work.

At this time, I would like to introduce two special guests. Our first guest was born here in Washington. He graduated from High School in 1987 and enlisted in the Marine Corps. He saw combat in the Persian Gulf and was honorably discharged in December, 1991. He is currently attending college under the GI Bill and works part-time with VA.

Ladies and gentlemen, I am proud to introduce to you—Mr. Hugo Mendoza, Jr.

Our second guest was born in North Carolina and graduated from high school at the age of 17. He enlisted in the Navy in 1943, and served on Guam during World War II. When he returned home, he attended college under the GI Bill. He became a pioneer in the computer field, and has been very successful. He also used the GI Bill to purchase his first home. I am proud to introduce him to you.

Ladies and gentlemen: Mr. Garnett Shropshire.

#### STATEMENT OF GARNETT SHROPSHIRE

Mr. President, Mr. Secretary, Members of Congress, ladies and gentlemen:

It is difficult for me to describe my emotions as I stand here today.

Many years ago, when I decided to attend college, I never dreamed that one day I would be in Washington, representing millions of fellow veterans.

But here I am today—and I am very proud to be representing veterans from across this great country.

I recently returned from Europe, where our President spoke at the Colleville Cemetery—and, I might add, with dignity befitting all Americans who died there.

Also, I visited Omaha and Utah Beaches. What a feeling—as if you were there on D-day, June 6, 1944.

I was 17 years old when I joined the Navy. Almost everyone I knew was joining up. It was the thing to do.

We didn't think about what was in it for us. We didn't think about asking Uncle Sam for anything in return.

Our country was at war, and we knew we were needed.

Most of us never thought about going to college or owning a home. These were impossible dreams for many of us.

Then President Roosevelt signed something called the GI Bill of Rights. And everything changed.

When I came home, the GI Bill helped make my dreams come true.

Two of the proudest days of my life were the day I graduated from college, and the day my wife and I moved into our first home.

My friends have similar stories. And the GI Bill is still helping those who serve.

My fellow veterans and I were proud of what our service men and women did in the Persian Gulf.

They proved that America still stands up for freedom, and that we still stand tall.

We were proud of young men like Hugo Mendoza. And we believe they deserve the same help we got.

I thank our elected representatives for realizing that this is true—and I thank our President for his help and support.

Ladies and Gentlemen, I have the great honor to introduce a man whom I believe to be a great friend of veterans—a man who is not afraid to tackle tough issues to make things better for all Americans—the President of the United States: the Honorable Bill Clinton.

#### REMARKS BY THE PRESIDENT AT THE COMMEMORATION OF THE 50TH ANNIVERSARY OF THE GI BILL

THE PRESIDENT. Thank you so much, Mr. Shropshire, for that introduction and for your service to your country and for making the most of the GI Bill. And thank you, Mr. Mendoza, for your service to your country and for reminding us of the future of the GI Bill.

Thank you, Secretary Brown, leaders of veteran service organizations, and staff of the Department of Veterans Administration who are here; to all the members of Congress—Senator Robb, Senator Thurmond, Senator Jeffords, Congressman Price, Congresswoman Byrne, Congressman Sangmeister, Congresswoman Brown, Congressman Bishop. And thank you especially, Congressman Sonny Montgomery, for a lifetime of devotion to this cause.

I'd like to also acknowledge three of Congressmen Montgomery's colleagues in the Senate and House on the relevant committee who could not be with us today: Senator Rockefeller, Senator Murkowski, and Congressman Stump.

Before I begin, if I might, I'd like to say a brief word about a development in Brussels this morning that is in so many ways a tribute to the men and women who have worn the uniform of this country over the last 50 years. Today Russia took an important step to help shape a safer and more peaceful post-Cold War world.

As all of you know, it wasn't very many days ago that we and the Russians were able to announce that, for the first time since both of us had nuclear weapons, our nuclear weapons were no longer pointed at each other. Today, Russia made a decision to join 20 other nations of the former Soviet Union and Eastern Europe and Western Europe in NATO's Partnership for Peace—to work together on joint planning and exercises, and to commit themselves to a common future, to a unified Europe where neighbors respect their borders and do not invade them, but instead, work together for mutual security and progress.

I want to join with the Secretary of State, who was on hand for the signing in Brussels, in commending the Russian people and their leaders on this farsighted choice. And I think that all of us will join them in saying this is another step on our long road in man's everlasting quest for peace. We thank them today.

As Secretary Brown and Mr. Shropshire said in their eloquent remarks, I had the opportunity not long ago of commemorating the service of our veterans at Normandy and in the Italian campaign. Joined by some of the veterans who are here today, including General Mick Kicklighter, who did such a wonderful job in heading the committee that planned all those magnificent events, we remembered the sacrifices of the brave Americans and their allies who freed a continent from Tyranny.

Almost everything we are trying to do is animated by the spirit and the ideas behind the GI Bill. Give Americans a chance to make their own lives in the fast-changing world. They will secure the American Dream. They will secure our freedom. They will expand it's reach if you give them the power to do it.

At Normandy I was able to pay special tribute to the first paratroopers to land in the D-Day operation, called the Pathfinders, because they lighted the way for those who followed. Today, it is up to us to be the pathfinders of the 21st century. The powerful idea behind the Bill of Rights for the GIs is still the best light to find that path.

Our job now is to do everything we can to help Americans to have the chance to build those better lives for themselves. That is the best way to prove ourselves worthy of the legacy handed down by those who sacrificed in the second world war, those who have worn our uniform since, and those who have been given their just chance at the brass ring through the Bill of Rights for the GIs.

Thank you very much.

#### AFRICAN-AMERICAN WOMEN WISH TO BE CONSIDERED DURING CONGRESSIONAL ACTION ON HEALTH CARE

#### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Ms. WATERS. Mr. Speaker, I would like to include in the RECORD a letter sent to me by Ms. Lillian Mobley, a constituent in my district, the director of the South Central Multi-Purpose Senior Citizens Center, the chair of the Black Women's Forum Health Task Force, and a long time friend. Ms. Mobley wrote the letter in response to an invitation to attend the Women's Health Forum on June 16, 1994. I believe

it is critically important that the concerns she raises, on behalf of African-American women, are taken into account during congressional action on health care reform.

There are several types of cancers that afflict Black women in disproportionate numbers. These include: breast cancer, cervical cancer and leukemia. Just this past week alone, we lost three very close friends to this disease. If other non-Black women are alarmed that there is a lack of research, resources, education and services for women who are afflicted by this disease, you can imagine what the conditions are for African American women. Just before one of the women mentioned above passed away, she called the South Central Multi-Purpose Senior Citizens Center. She was confronted with a situation in which the cost of her prescription drugs was \$150.00. She only had \$400 and she needed that to pay her rent. Everyday poor Black women who are ill are confronted with having to make this kind of cruel and inhuman choice.

As African American people we face discrimination and neglect daily. We are served by physicians who are culturally insensitive. We have to virtually insist on information about our medical condition from them that they should, as a matter of basic primary care, provide to us on their own accord. Catastrophic illness causes a tremendous hardship on the families and friends of Black women who are victims of cancer. Many find it extremely difficult to adjust to the changes in their activities of daily living and the stresses that accompany their medical condition. They have to drastically alter their social agendas. Many can no longer drive automobiles and, hence, they cannot attend church.

I request that my letter be entered into the CONGRESSIONAL RECORD in memory of attorney Linda Taylor Ferguson, a brave sister who struggled for women's rights in the 35th Congressional District until she succumbed to breast cancer.

#### A TRIBUTE TO EDWARD "POP" STEWART

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, the life of a special man, one who was a fixture here in these Halls of Congress until his recent pass-

ing on Sunday, June 19, 1994. That man is Edward "Pop" Stewart.

Cheerful and ever-optimistic, "Pop" was an institution at the House of Representatives, where he worked as a banquet waiter for many years. He started his working career in the 1920's at the White House as a waiter. In the 1930's, he worked for the merchant marine and in various clubs. During the war years, he was a dedicated worker for Southern Railroad where he was a dining car steward, and in the 1950's, he worked at the old Burlington Hotel here in Washington as its service manager.

"Pop" Stewart came to the House of Representatives in the early 1960's, where he worked as a waiter in the Members' Dining Room. As the years passed, he would come to work in the House Office Building catering operation, where he was employed until the day he died at the age of 86.

Edward "Pop" Stewart was born in Troy, NY, on September 12, 1907. During his lifetime, he was a member of the Pigskin Club of Washington, the Elks Club, the NAACP, and the AARP. Perhaps his most-loved association was as a senior Mason. He was the oldest living member of Lodge 20, Jefferson Lodge, in Charlottesville, VA, and had been a respected member for over 60 years.

"Pop" leaves behind to mourn a sister, Juanita Stewart Hargrove; a daughter, Annie Harris; 8 grandchildren; 21 great grandchildren; 2 great-great-grandchildren; and a host of loving and caring friends. He will be sorely missed by all those who had the pleasure of knowing him and hearing him say, "You're the best!"

#### RECOGNIZING RAUL JARAMILLO FOR HIS 18 YEARS OF SERVICE TO THE ALAMEDA COUNTY OFFICE OF EDUCATION

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. STARK. Mr. Speaker, today, I would like to congratulate Raul Jaramillo for his successful tenure with Alameda County Office of Education. After 18 years, he will be retiring as their deputy superintendent.

Mr. Jaramillo's career, however, expands well beyond his years of service at the Alameda County Office of Education. He started

teaching in 1965 with the Menlo Park Elementary School District in California. It was immediately evident that Mr. Jaramillo was to have an enormous impact because he was quickly selected as Teacher of the Year. Soon afterwards, he was recruited by Alum Rock Union Elementary School District in San José, CA, as their project coordinator. Within a few years he became their assistant superintendent.

As a member of Alameda County Office of Education, Mr. Jaramillo has administered all their programs at one time or another. These include the establishment and expansion of community schools which assist with the transition process for delinquents from juvenile hall back into a regular school setting, a program for chemically dependent youth, and a program for the developmentally delayed infants. Mr. Jaramillo has also been a prominent advocate of affirmative action. He has been sought by many organizations at all levels to assist them in minority teacher recruitment.

Raul Jaramillo has made many other contributions to our community through other organizations. The one I am most familiar with is his vital role with the Hispanic Community Affairs Council. As one of the Padrinos of HCAC, he was instrumental in initiating a scholarship program for Latino students and is one of the reasons it's so successful today. This year, HCAC awarded \$37,500 in scholarships to 36 Latino students. He is also active in the Puente and Camino Nuevo Project, both mentorship programs, the Alameda County Hispanic Chamber of Commerce, the National Hispanic Foundation, and the Latino Community Policy Group.

Mr. Jaramillo has been recognized with many awards for all his contributions to education. These include: The Don Quixote Award for exemplary contributions to the Hispanic Community Affairs Council, the Association of California School Administrators for outstanding service, Alameda Technical College for outstanding service, and special recognition from the Comprehensive Teen Age Pregnancy Prevention Program for his contribution to Oakland's teen parents and their children.

Mr. Speaker, I come before you today to recognize Raul Jaramillo for his 29-year commitment to our youth and all his accomplishments. I hope you and my colleagues will join me in congratulating this educational leader for all his accomplishments and tenacious spirit and wish him well in all his future endeavors.